

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT MAITAMA**

**BEFORE HIS LORDSHIP: HON. JUSTICE Y. HALILU**  
**COURT CLERKS : JANET O. ODAH & ORS**  
**COURT NUMBER : HIGH COURT NO. 14**  
**CASE NUMBER : CHARGE NO: CR/1018/2020**  
**DATE: : THURSDAY 2<sup>ND</sup> MAY, 2024**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA.... COMPLAINANT**

**AND**

**LAWAL GALADIMA ..... DEFENDANT**

# **RULING**

Lawal Galadima was arraigned before this Court on the 27<sup>th</sup> January, 2021 on a three (3) Count Charge as follows:-

## **COUNT 1**

That You Lawal Galadima (M) the Deputy Director, Abuja Geographic Information System (AGIS), Abuja between May, 2012 to October, 2012 or thereabout within the jurisdiction of this Honourable Court did confer a corrupt advantage upon yourself to-wit: converting to your use the sum of Seventy Million Naira (N70,000,000.00) collected from A.Y.M. Shafa Limited for the procurement of a Certificate of Occupancy of (C of O) of Plot. No. 70 Cadastral C10, Wumba District, Abuja and you thereby committed an offence contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act, 2000.

## **COUNT 2**

That You Lawal Galadima (M) the Deputy Director, Abuja Geographic Information System (AGIS), Abuja between May, 2012 to October, 2012 or thereabout within the jurisdiction of this Honourable Court did forge a FCTA Revenue Collector's Receipt number 000123405 as evidence of the payment of the sum of

N70,000,000.00 (Seventy Million Naira) collected by A.Y.M. Shafa Limited for the procurement of a Certificate of Occupancy (C of O) of Plot 70 Cadastral C10, Wumba District, Abuja when such receipt was issued to Bintiwa Nigeria Enterprises in respect of payment of N3,244,140.00 (Three Million Two Hundred and Forty Four Thousand Naira) and you thereby committed an offence contrary to Section 363 and punishable under Section 364 of the Penal Code Act, 1990.

### **COUNT 3**

That You Lawal Galadima (M) the Deputy Director, Abuja Geographic Information System (AGIS), Abuja between May 2012 to October, 2012 or thereabout within the jurisdiction of this Honourable Court did forge a FCTA Revenue Collector's Receipt number 000123413 as evidence of the payment of the sum of N70,000,000.00 (Seventy Million Naira) collected by A.Y.M. Shafa Limited for the procurement of a Certificate of Occupancy (C of O) of Plot No. 70 Cadastral C10, Wumba District, Abuja when such receipt was issued to Afam Charles Chukwuma in respect of payment of N928,520.00 (Nine Hundred and Twenty-Eight Thousand, Five Hundred and Twenty Naira) and you thereby

committed an offence contrary to Section 363 and punishable under Section 364 of the Penal Code Act, 1990.

He pleaded not guilty and trial commenced on the 12<sup>th</sup> May, 2022 with Prosecution fielding four (4) witnesses.

Adebayo Sunday O., who is of ICPC Plot 802 Constitution Avenue, Central Business District Abuja, gave evidence as PW1 wherein he stated that he is Assistant Superintendent and an Investigator with ICPC, and that he investigates assigned cases, prepare strategies for the cases and submit reports to the Commission on their findings. He also carries-out other responsibility assigned by the Commission.

He further stated that he knows the Defendant. He met him for the first time in December, 2016 when a matter was assigned to his Team comprising himself, Mr. Aluna Euchi, Okolo Isioma and Lucy Chima. The matter was a complaint sent to the Commission by Ifeneye Odidika & Co. on behalf of AYM Shafa Ltd. It was a complaint demanding for a refund of N70,000,000.00 (Seventy Million Naira) from the Defendant. The Demand Letter also alleged that the Defendant gave AYM Shaffa two forged FCDA AGIS Revenue Collectors receipts.

He further said that his Team prepared strategies and before the Defendant was invited, a letter was sent to FCDA to confirm the ownership of Plot 70 Cadastral Zone Wumba District, Abuja, because the Complainant alleged that he gave the N70,000,000.00 (Seventy Million Naira) to the Defendant to help him process the Certificate of Occupancy of the said Plot. Response was received confirming the Complainant as the owner of the property. Another letter was sent to FCDA to confirm the authenticity of the two receipts given to the Complainant by the Defendant.

His Team also got response from AGIS that the two receipts did not emanate from them. We also sent a letter to Zenith Bank to confirm whether monies were paid to him and we got the statement of account of the Defendant from Zenith Bank confirming the lodgment of the N70,000,000.00 (Seventy Million Naira) in tranches. Defendant was then invited. He volunteered his statement to the commission. He introduced himself as Lawal Galadima, a Deputy Director at FCTA. The matter was presented to him and he confirmed that the complainant approached him that he has six (6) acres of land at the said address and that he wanted a Certificate of Occupancy for that.

The value or cost for the Certificate of Occupancy was N131,000,000.00 (One Hundred and Thirty-One Million Naira) but that they agreed that there was a way they would do it.

So he can pay N70,000,000.00 (Seventy Million Naira). Defendant then gave his personal account to the Complainant where the money was paid. Our investigation also revealed that the Defendant gave out two forged Revenue collectors receipts to the Defendant. The two receipts were cloned from earlier receipts issued to Bintiwa Nigeria Enterprises and Afam Charles Chidinma. The Defendant was then asked what he did with the money since same was not paid into government account, and he said he gave N20,000,000.00 (Twenty Million Naira) to one Umar Farouk Gero, a staff in the Audit Department of the FCDA, another N10,000,000.00 (Ten Million Naira) he said he gave to Babatunde A. Zubairu, N15,000,000.00 (Fifteen Million Naira) to one Senior Auditor but did not disclose his name, another N20,000,000.00 (Twenty Million Naira) to one Folake Odusiga for onward transmission to Wasiu Olajide, a program analyst in AGIS. Folake Odusiga was invited for interview and she gave a statement to the Commission denying collecting N20,000,000.00 (Twenty Million Naira) from the Defendant.

Wasiu Olajide also denied collecting any money from the Defendant. The head of revenue collection in AGIS was invited by name Hassana Mohammed, to confirm the signature on the two receipts. She denied the said signature as hers.

AGIS also wrote to the commission and sent copies of the two (2) original receipts from where the other two were cloned from. Umar Farouk Gero and Babangida Abdullahi Zubairu were also invited but FCDA responded that they both were at large and that they have been suspended from office. Defendant refunded N27,000,000.00 (Twenty Seven Million Naira) with a balance of N43,000,000.00 (Forty Three Million Naira).

It is also the evidence of PW1 that his investigation also revealed that Defendant also transferred N9,000,000.00 (Nine Million Naira) into ALSMA Property Ltd. account domiciled with Zenith Bank and the Company belongs to the Defendant.

PW1 was cross-examined and accordingly discharged.

Examination in Chief of PW2 (Oduşiga Folake) sworn on Holy Bible.

He stated in his evidence that he resides at No. 12 Liverpool Street, Abuja. He is a Civil Servant, and that he works with Federal Territory Administration, as an Assistant Director Lands.

Part of his schedule of duties includes valuation for Deed of Assignment, power of attorney and also attend to New Land application and attend Court. He knows the Defendant.

He stated that he was invited by ICPC in 2017 and he was suspended. He was questioned about the Defendant whom he introduced to them as his Boss, professional colleague and a very good brother of mine. He denied receiving N20,000,000.00 (Twenty Million Naira) from the Defendant.

He was discharged.

Wasiu Olajide gave evidence as PW3. He stated that he resides at No. 31 Orabor Street, Garki 2 Abuja. He works with FCT Administration with Abuja. Geographic Information System as a Program Analyst.

He stated further that he designs Layouts, Plot margin and subdivision of plots.

He knows the Defendant who is his Senior Colleague at work. He also said that in 2009, he was invited by ICPC and was asked

question if he received any money from the Defendant or proxy to which he said he did not.

He was not cross-examined and later discharged.

Hassana Mohammed gave evidence as PW4 and stated that she resides at Dawaki Grace Community Estate Abuja. She is a Staff of FCTA – Abuja Geographic Information System, as head of revenue.

She also reviews monies for land payments, confirmation of such monies and payment into AGIS account. She knows the Defendant.

She stated also that in 2017 when she was invited by ICPC, she was shown two receipts for payment and she was asked to identify the signatures in the receipts as hers and she said to them they were not her signatures and she gave statements.

PW4 was cross-examined and accordingly discharged.

Defendant's Counsel filed a Defence of No Case to Answer and served same on the Prosecution. Prosecution filed their reply to the Defence of No case to Answer.

In line with law and procedure, Defence counsel filed written address wherein sole issue was formulated for determination to-wit;

***"Whether the Defendant is entitled to a discharge by this Honourable Court in a No Case Submission and under the provision of Section 302 of the Administration of Criminal Justice Act, 2015."***

Learned counsel argues, that the provision of Section 302 of the Administration of Criminal Justice Act, 2015 gives this Honourable Court the discretion and power to either of its own Motion or on the Application of the Defendant after hearing the evidence of the prosecution witnesses to discharge the Defendant, where it considers that the evidence adduced before the Court against the Defendant is not sufficient to justify the continuation of the Trial against the Defendant.

Learned counsel contends, that an application of this nature as provided under Section 302 of the Administration of Criminal Justice Act, 2015 is brought by the Defendant by way of a No Case to Answer submission. This instant application/written address is therefore brought by the Defendant by virtue of the right conferred to him, under the provisions of the above

mentioned Section of the Administration of Criminal Justice Act, 2015 which is done by way of a No Case Submission.

Learned counsel submits, that by virtue of the provision of Section 303 of the Administration of Criminal Justice Act, 2016 in considering the application of the Defendant, in a No Case Submission the Court shall in the exercise of its discretion have regard to the following:-

- a. Whether an essential element of the offence has been proved.***
- b. Whether there is evidence linking the Defendant with the commission of the offence with which he is charged.***
- c. Whether the evidence so far led is such that no reasonable Court or Tribunal would convict on it; and***
- d. Any other grounds on which the Court may find that a prima facie case has not been made out against the Defendant for him to be called upon.***

Learned counsel also submits, that throughout the length and breadth of the evidence of PW1, PW2, PW3 and PW4 as well as the documentary evidence adduced before this Honourable Court

the prosecutor has not established the offences against the Defendant as contain in the Counts.

PW1 in his evidence testified from the onset that he only knows the 1<sup>st</sup> and 3<sup>rd</sup> Defendants. He repeated same under cross-examination by the Counsel to the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Defendants.

PW2 on his part testified before this Honourable Court that he knows the Defendant, but however throughout his evidence, he only mentioned the names of the 1<sup>st</sup> and 3<sup>rd</sup> Defendants and all that transpired between them in respect of the alleged offence under Count two (2) of the Charge against the Defendant PW2, who is the nominal complainant and principal witness did not testify that the 4<sup>th</sup> Defendant represented himself to him at the Centre Mosque Abuja as that possessing the power is capable of invoking invisible spirit to make money which the PW2 will use to purchase five (5) unit Houses in FHA.

Learned counsel further submits, that the law is trite that if at the close of evidence in support of the charge, it appears to the Court that a case is not made out against the Defendant sufficient to require him to make a defence, the Court shall as to that particular Charge discharge him. In other words, where there has

not been any evidence to establish the essential ingredients of the alleged offence; or the evidence of the prosecution has become manifestly unreliable under cross-examination that it cannot reasonably be basis for conviction, the accused should be discharged without being called upon for defence.

The case of ***ADAMA VS. STATE (2018)3 NWLR (Pt. 1605) 94 at 135, Paragraphs F – G*** was cited.

Learned counsel further contends, that the prosecution is duty bound to prove the essential ingredients of the offence he is alleged to have committed by way of leading evidence to be able to link with the offence. Failure on side of the Prosecution to discharge that duty would render it incapable to secure a conviction. Every offence has ingredients that must be prove. Fore easy reference in the instance case counsel reproduce the Count 2. The case of ***F.R.N VS. IBRAHIM (2015) N.W.L.R (Pt. 1450) 411 at 430 – 431 H – A*** was cited.

Learned counsel urge this Honourable Court to discharge the Defendant/Applicant pursuant to Section 302 of the Administration of Criminal Justice Act, 2015.

Learned counsel concludes that the Prosecution has not been able to prove the essential elements of the offence for which the Defendant is standing trial.

Counsel also submits, that the Prosecution has not been able to link the Defendant with the commission of which he is charged and that it will be better for this Honourable Court to discharge the Defendant.

On their part, Complainant filed written address in opposition to a No Case submission made on behalf of the Defendant dated and filed on 26<sup>th</sup> day of April, 2023 and formulated sole issue for determination to-wit;

***"Whether the Prosecution has made out a prima facie case against the Defendant that would require some explanation for him."***

Learned counsel submits, that the Prosecution led evidence and tendered Exhibits "A", "B", "C", "D", "E" and "F" through PW1. Exhibits "A" and "B" unequivocally established the evidence relating to the request by the Nominal Complainant for issuance of the Certificate of Occupancy while Exhibit "C" confirmed that the receipts were cloned and did not emanate from the AGIS. PW1 further stated how the sum of N70,000,000.00 (Seventy

Million Naira) was paid in different transactions into Exhibit "E" and that the Defendant in Exhibit "F" confessed he used his account to receive the sum. All these evidence were not discredited nor contradicted under cross-examination.

Learned counsel further submits, that the elements of offence under Section 19 ICPC Act, 2000 have been established on the ground that the Defendant is;

- a. A public officer.
- b. Used his position as a Deputy Director, AGIS to gratify and confer corrupt advantage upon himself to wit: presenting his personal account to receive Government fund and converted it to his own use.

2.5 As per Section 363 of the Penal Code, the Defendant with intent to commit fraud forged the Revenue Collector's Receipts, Exhibit "C" which were earlier receipts issued to Bintiwa Nig. Ent. and AFam Charlse Chukwuma.

Learned counsel further submits, that in the instant case in which the evidence proffered by the Prosecution established all the elements needed for proving the three (3) count charge against the Defendant, the Prosecution can reasonably be said to have

made out a prima facie case as there is nothing to contradict or rebut. Counsel urge the Court to hold that there is grounds for proceedings.

Learned counsel argues, that before a Defendant may be asked to enter a defence, the law is that, the Prosecution must have established a prima facie case. Definition of prima facie case' both civil and criminal case appear to be the same. In ***DURU VS. NWOSU (1989) 4 NWLR (Pt. 113) P. 24***

It is further the submission of learned counsel, that it will amount to turning logic and law on its head for the Defendant to argue that no prima facie case exists that links him to the three (3) counts as there is ground for the Defendant to proceed to answer the questions that come to mind which if unanswered will undoubtedly justify the charge under these counts.

Learned counsel also submits, that the contention of the Defendant's counsel in paragraph 1.2 that Prosecution witnesses exonerated the Defendant from any wrong doing is a figment of imagination.

Learned counsel contends, that in response to Paragraph 3.7, the evidence on record proved the essential elements of offences preferred against the Defendant, linked him with the commission

of the offences with which he is charged and on that strength a prima facie case has been made out against the Defendant to be called upon. Counsel refer this Court to Section 303 Administration of Criminal Justice Act, 2015.

The defence counsel in paragraph 3.15 reproduced Section 16 of ICPC Act, 2000 counsel submits that the Defendant was never charged under that Section in the instant case. Counsel further submits, that they have only one Defendant in the instant case as opposed to seven Defendants alluded to in Paragraph 3.21 by the Defence Counsel.

It is the averment of learned counsel, that the Prosecution having established the elements of offence in each count and the defence having failed to discredit the evidence led by the Prosecution the said evidence is manifestly reliable and credible. ***EMEDO VS. THE STATE (2002) 15 NWLR (Pt. 789) 196*** was cited.

Learned counsel concludes that the evidence so far led is sufficient to cover all the essential ingredients and elements of the offences charged and that there is a ground for proceeding. In other words, there is a ground to call on the Defendant to answer or give explanation required of him. Counsel therefore

finally submits, that prima facie case is made out and there is ground for proceeding and counsel urge the Court to so hold.

Defendant filed reply on point of law to the Complainant's written argument in opposition to the No Case Submission dated and filed on the 2<sup>nd</sup> of May, 2023.

It is the submission of learned counsel, that the Prosecution did not establish the ingredient of the alleged offence of forgery as required by the law in consonance with the above cited authority. The law is settled that the burden of proving the guilt of an Accused is always on the Prosecution. Also, the guilt of the accused must be proved beyond reasonable doubt. Counsel refer to the case of ***JIBRIN VS. FRN (2020)4 NWLR (Pt. 1714)(SC)*** was cited.

Learned counsel argues, that in further response to Prosecution's paragraph 3.2, it is their submission that in all the testimonies of the Prosecution witnesses and the exhibits before the Court, none linked the Defendant with the commission of the alleged offences and as such the Prosecution has failed in the discharge of their duty and the burden of proof is still on the Prosecution. In Order for the Prosecution to directly link the Defendant with the offence of forgery, they must fulfill the legal requirement as enunciated in

**DAIRO VS. FRN (2015) LPELR – 24303 (SC)** which stated that;

***"The burden on the Prosecution to prove offence of forgery is to establish beyond reasonable doubt against an accused person that the accused is the person who actually did the act of signing the forged document or made the omission which constituted the offence, or counseled or procured others to commit the offence or knowingly gave succor or encouragement to commission of the crime or knowingly facilitated the commission of the offence."***

Learned counsel concludes by urging this Honourable Court to hold so and consequently discharge the Defendant.

**COURT:-**

Defendant was arraigned on a three (3) Count Charge preferred against him by the Federal Republic of Nigeria. Three (3) witnesses gave evidence on behalf of the Prosecution and accordingly tendered documents which were admitted in evidence.

Count 1, 2 and 3 bothers on Conferring Corrupt advantage, Forgery contrary and punishable under Sections 19 of the ICPC Act, 2000, 363 and 364 of the penal code respectively.

Learned counsel chose to file a No Case Submission in urging for the discharge of the Accused person.

A defence of No Case to Answer postulates that there has been throughout the trial no legally admissible evidence at all against them on behalf of whom the submission of no prima facie case has been made, linking them in any way with the commission of the offence which has been charged, which will necessitate him being called upon for his Defence, or that whatever evidence there was which might have linked the accused person with the offence has been so manifestly discredited that no reasonable Court of law can be called upon to act on it in establishing the criminal guilt of the said accused concerned.

Apart from above scenarios, no Court or Tribunal should be called upon to reach a decision as to conviction or acquittal until the whole evidence which either side wishes to tender has been placed before it.

The following cases are instructive on above point:-

***FRN VS. NUHU & ANOR (2015) LPELR – 26013 (CA);***

***SUBERU VS. STATE (2010) 1 NWLR (Pt. 1176) 494.***

The essence of the submission of No Case to Answer lies in the contention that the evidence of the Prosecution called in the discharge of the burden of proof placed on it by law has failed to establish the ingredients of the offence.

See also ***USMAN & OR VS. FRN (2017) LPELR 43016 (CA).***

It is the law, which indeed has been tested over a long period of time in decided cases that it is the duty of the Prosecution to present before the Court such evidence as would discharge the burden on them to prove the guilt of an Accused beyond reasonable doubt.

See ***KOMOLAFE VS. FRN (2015) LPELR 41708 (CA).***

This is so because an Accused is always presumed innocent until proven guilty pursuant to Section 36(5) of the 1999 Constitution of the Federal Republic of Nigeria. The only exception to above almighty rule is the doctrine of last seen.

I rely on the cases of ***MBANG EFOLI MBANG VS. STATE (2010) ALL FWLR (Pt. 508) 379;***

***AJAYI VS. STATE (2013) LPELR – 19941 (CA).***

I have seen the statement made by the Defendant and documents tendered.

It is my ruling that at this stage, there is the need for the Accused person to tell his side of the story. This line of Defence fails and accordingly same is dismissed.

***Justice Y.  
Halilu  
Hon. Judge  
2<sup>nd</sup> May,  
2024***

**APPEARANCES**

Defendant in Court.

S.H. Abdulkareem, Esq. with G.O. Akintunji, Esq. – for the Prosecution.

Efut Okoi, Esq. – for the Defendant.